

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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Attorneys for Defendant LG Electronics USA, Inc.

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DEBORAH MOULTON, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

- against - :

LG ELECTRONICS, INC. and LG :
ELECTRONICS USA, INC. :

Defendants. :
----- X

2:11-cv-04073-JLL

Document Electronically Filed

**NOTICE OF DEFENDANT'S MOTION TO DISMISS THE CLASS ACTION
COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE
GRANTED**

PLEASE TAKE NOTICE that the undersigned, counsel for Defendant LG Electronics USA, Inc. ("Defendant"), shall move on March 5, 2012, at 9:00 a.m., or as soon thereafter as counsel may be heard, before the United States District Court for the District of New Jersey, the Honorable Jose L. Linares presiding, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order Dismissing Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

PLEASE TAKE FURTHER NOTICE that counsel shall rely on the accompanying Memorandum of Law and Certification of Melanie A. Grossman (with attached exhibits) in support of said Motion.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in said Motion must be timely filed with the Court and served on counsel for Defendant.

PLEASE TAKE FURTHER NOTICE that Defendant hereby requests oral argument on said Motion.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is annexed hereto.

Dated: February 3, 2012

Respectfully submitted,

By: /s/ John B. Kearney
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